

## EXHIBIT B

**CUSTOMER CLAIM**

Claim Number \_\_\_\_\_

Date Received \_\_\_\_\_

**BERNARD L. MADOFF INVESTMENT SECURITIES LLC**

In Liquidation

**DECEMBER 11, 2008**

(Please print or type)

Name of Customer: Nicholas Palevsky  
Mailing Address: Cohen, Hacker, Rothstein & Pearl LLC 2 University Plaza, Suite 501  
City: Hackensack State: NJ Zip: 07601  
Account No.: Gabriel Capital, L.P. (Limited Partner Account of Nicholas Palevsky)  
Taxpayer I.D. Number (Social Security No.): [REDACTED]-4015

**NOTE: BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. CLAIMS RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.**

\*\*\*\*\*

1. Claim for money balances as of **December 11, 2008**:

- a. The Broker owes me a Credit (Cr.) Balance of \$ 0
- b. I owe the Broker a Debit (Dr.) Balance of \$ 0
- c. If you wish to repay the Debit Balance,  
please insert the amount you wish to repay and  
attach a check payable to "Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC."  
If you wish to make a payment, it must be enclosed  
with this claim form. \$ 0
- d. If balance is zero, insert "None." None

2. Claim for securities as of **December 11, 2008**:

**PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.**

- |   |                   |                   |
|---|-------------------|-------------------|
|   | <u>YES</u>        | <u>NO</u>         |
| a. The Broker owes me securities        | <u>Yes</u>        | <u>          </u> |
| b. I owe the Broker securities          | <u>          </u> | <u>No</u>         |
| c. If yes to either, please list below: |                   |                   |

Date of Transaction (trade date)	Name of Security	Number of Shares or Face Amount of Bonds	
		The Broker Owes Me (Long)	I Owe the Broker (Short)
<u>          </u>	<u>See attached statement</u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or information regarding any withdrawals you have ever made or payments received from the Debtor.

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

**PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.**

**NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.**

	<u>YES</u>	<u>NO</u>
3. Has there been any change in your account since December 11, 2008? If so, please explain.	_____	<u>No</u>
4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?	_____	<u>No</u>
5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?	_____	<u>No</u>
6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)	_____	<u>No</u>
7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.	_____	<u>No</u>
8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.	<u>Yes</u>	_____
9. Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker.	_____	<u>No</u>

Please list the full name and address of anyone assisting you in the preparation of this claim form: Richard A. Kirby, K&L Gates LLP,  
1601 K Street, NW Washington, DC 20006

Jun 27 2009 0:31 Shangri-La Residences SG +6567373329

p.3

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

**IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.**

**THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.**

Date June 27, 2009 Signature   
Date \_\_\_\_\_ Signature \_\_\_\_\_

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

**This customer claim form must be completed and mailed promptly, together with supporting documentation, etc. to:**

Irving H. Picard, Esq.,  
Trustee for Bernard L. Madoff Investment Securities LLC  
Claims Processing Center  
2100 McKinney Ave., Suite 800  
Dallas, TX 75201

Mr. Nicholas Palevsky  
Cohen, Havker, Rothstein & Pearl LLC  
2 University Plaza  
Suite 501  
Hackensack, NJ 07601

### **Statement Concerning Customer Claim Form**

#### **Item 2 – Claim for securities as of December 11, 2008**

Gabriel Capital, L.P. (“Gabriel”) is a limited partnership that served as an investment conduit providing its limited partners with access to Bernard L. Madoff Investment Securities LLC (“BLMIS”). Nicholas Palevsky (“claimant”) made a capital contribution and became a limited partner in Gabriel on January 1, 2005.

As of November 30, 2008 Gabriel’s investments in BLMIS constituted 30.32% of the Gabriel portfolio. This portion of the portfolio was written down to zero.

Gabriel’s limited partners were not provided records sufficient to respond to item 8 in a manner that would itemize each underlying security held on behalf of the limited partner as of December 11, 2008. Accordingly this claim provides the best detail available to the claimant, namely the capital contributions, withdrawals, and final investment value of Nicholas Palevsky’s investment in Gabriel as of November 30, 2008.

Capital contribution to Gabriel, Jan. 1, 2005	\$ 1,000,000.00 <sup>1</sup>
Withdrawals Jan. 1, 2005 – Dec. 11, 2009	\$ 0.00
Value as of Nov. 30, 2008 statement	\$ 1,294,484.57 <sup>2</sup>
Value invested in BLMIS (30.32% of investment)	\$ 392,487.72
 Total BLMIS securities lost as of Nov 30, 2008	 \$ 392,487.72

#### **Item 8 – Discretionary authority**

As general partner of Gabriel, J. Ezra Merkin had discretionary authority to trade with BLMIS on behalf of Gabriel’s limited partners.

---

<sup>1</sup> See Appendix A

<sup>2</sup> See Appendix B

## **APPENDIX A**

## GABRIEL CAPITAL GROUP

---

450 Park Avenue  
New York, NY 10022  
TELEPHONE 212 838-7200  
FACSIMILE 212 838-9603

January 18, 2005

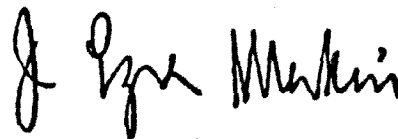
Mr. Nicholas Palevsky  
Cohen, Hacker, Rothstein & Pearl LLC  
2 University Plaza  
Suite 501  
Hackensack, NJ 07601

Dear Mr. Palevsky,

This letter should serve as formal confirmation of your investment in Gabriel Capital, L.P.,  
of \$1,000,000.00 on January 1, 2005.

Please do not hesitate to call me if any questions arise or if I may be otherwise helpful.

Sincerely yours,



J. Ezra Merkin  
General Partner



GABRIEL CAPITAL, L.P.

SIGNATURE PAGE

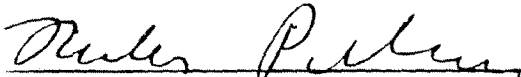
ALL INVESTORS MUST COMPLETE THIS SECTION.

The undersigned hereby represents that:

- (a) the undersigned has carefully read and is familiar with this Subscription Agreement, the Memorandum and the Fund Agreement;
- (b) the information contained herein is complete and accurate and may be relied upon; and
- (c) the undersigned agrees that the execution of this signature page constitutes the execution and receipt of this Subscription Agreement and the execution and receipt of the Fund Agreement.

IN WITNESS WHEREOF, the undersigned has executed this Subscription Agreement this 22 day of  
DECEMBER, 2004

INDIVIDUALS



Signature

NICHOLAS PALEVSKY

Print Name

Additional Investor Signature

Print Name

ENTITIES

Print Name of Entity

By:

Authorized Signature

Print Name and Title

FOR INTERNAL USE ONLY  
To be completed by J. EZRA MERKIN

SUBSCRIPTION ACCEPTED  
AS TO \$ 1,000,000 -

GABRIEL CAPITAL, L.P.

By: J. EZRA MERKIN

By:

Date:

Date:

## **APPENDIX B**

February 27, 2009  
Page 3

**APPENDIX 1**

**CERTIFICATE OF GABRIEL CAPITAL, L.P. NAV**

**AS AT NOVEMBER 30, 2008**

**FOR**

**Mr. Nicholas Palevsky  
Cohen, Hacker, Rothstein & Pearl LLC  
2 University Plaza  
Suite 501  
Hackensack, NJ 07601**

As of November 30, 2008, the Net Asset Value of your investment in  
Gabriel Capital, L.P. was \$1,294,484.57, of which 30.32% was invested in Bernard L.  
Madoff Investment Securities LLC.

Very truly yours,

**J. Ezra Merkin  
General Partner**